

United States District Court
For the middle District of Pennsylvania

WM Branch
Plaintiff
vs.
MR. Russian
Defendant

Civaction No. 1:00-CV-1728
(Judge Conner)

Motion to the Court to Grant a
Motion to order Defendants to
Discovery and find them in Contem

FILED
HARRISBURG PA

MAR 29 2004

MARY E. DUNN, CLERK
Deputy Clerk

if it Please's this noble Tribunal here Come's this Ignoble
inmate WM Branch CF3756 asking this most Judicial Tribune
To Hold these Defendants in Contempt of the COURT for
not answering an interrogatories Per fed. Rules of Civil
PROCEDURE Rules 33, 37(b)(2)(D)(C)(E) Rule

ON 2-19-04 This august Court issued an Order
for Discovery to be complete by 3-19-04 to this Date
3-25-04 Defendants have not answered any of my
interrogatories.

Therefore I Pray this Honorable Court will
Vouchsafe to Grant my Motion to Hold these Defendants
in Contempt of Court Rule 37(b)(2)(D), Rendering a
Judgement in Default against the Defendants Rule 37(b)
(2)(C) Rule 37(C)(1) The Defendants Shall Pay Reasonable
legal fees, I am asking for \$10,000 so the Defendants will
Never again Disobey your Court orders

Respectfully

I affirm under unsworn Declaration
Penalty of the Law that the above is true

Proof of Service
Ms Mosley aka SDAG. 15th FL STRAWBERRY SQ HARRISBURG PA 17120

Date 3-25-04

William Branch CF3756
PO Box 256 Waymart Pa 18472

Exhibits for Compel to Discovery

Dated 3-25-07

Exhibit

D

Affidavit of Certification of Serving
interrogatories For Discovery

* R-1

Request slip to supt Collieran about
Ms Bippel lying about me going To Jamah

D-2

Letter from ~~Ms Rallison mail Room~~ stating
MS Mosley stating she received my letter
Dated 3-1-04 but she does not have
interrogatories

D-1

Certified mail Receipt

D-2

cash slip + D-1 cash slip

Dated 3/10/04

Dated 3/19/04

D-2

letter to ms Mosley Dated 3-9-04 stating
a true copy of Request for interrogatories
and for her to contact me

D-3

Letter to ms Mosley Dated 3-1-04 asking
for a conference and asking her to
allow Supplemental Pleading.

D-3

Request slip to mail Room questioning the cost
and a Reply from ms Rallison that the package
went out Priority mail Confirmation
of Delivery

* R-2

misconduct 295183 }

* R-2

Sanction 295183 } Retaliation

Case COPY
Exhibits D

FILED
HARRISBURG, PA

MAR 29 2004

MARY E. DUNN, CLERK
Per [Signature]
Deputy Clerk

Affidavit of Certification of Serving Interrogatories For Discovery and motion to Compel Discovery

State of Pennsylvania

County of Wayne

Branch
vs.
Russian et. al.,
SS.

CV-1:00-CV-1728

Judge Conner

I, William R. Branch, do declare the following

statements: PER ~~the~~ Rules of federal civil PROCEDUREs #33(a) in Good faith have asked the attorney for Defendants Russian et. al., for Discovery in the form of interrogatories #1.

PER COURT ORDER ISSUED 19th of February 19, 2004 I wrote ms Mosley esq a letter dated 3-1-04 asking her for a meeting inclosed copy, she was also sent not one But Two copies of interrogatories the last being post dated 3-19-04

PER Rules of federal civil PROCEDUREs 33(A), I inclose copies of proof of mailing Post Dated, and a letter from Her attesting to a letter she received dated 3-1-04 Her letter posted 3-17-04, I received 3-19-04, asking for the interrogatories,

all this I have Done in Good faith to comply with your COURT ORDER and Rule 33(A) OF DISCOVERY Respectfully on the Date 3-25-04 I have NO Discovery

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S., Section 4904 relating to unsworn falsification to authorities.

Dated: Feb. 12, 2004

3-2504 (WB)
William Branch

S.C.I. Waymart
P.O. Box 256
Waymart, PA 18472-0256

NOTARIAL SEAL
ROBERT ANDREWS, Notary Public
Canaan Twp., Wayne County
My Commission Expires May 15, 2004

Robert Andrews, Notary Public

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Supt. Collieron</u>		2. Date: <u>3-24-04</u>	
3. By: (Print Inmate Name and Number) <u>WM Branch CF-3756</u> <u>WM Branch</u> Inmate Signature		4. Counselor's Name <u>Mr Long</u>	
		5. Unit Manager's Name <u>Mr Friedman</u>	
6. Work Assignment <u>G. Plant</u>		7. Housing Assignment <u>M-2</u>	
8. Subject: State your request completely but briefly. Give details.			
<p>Sir I have Recieved a informal Resolution and sanction with 7 days cell Restriction. I was charge with telling ms Dippel that I was going to Jumah, I never told ms Dippel that in fact I have not attended Jumah Service since 9-11-01 and this informal Resolution was illegally written on the day that Ms Dippel became aware of this alleged infraction this write up should have been written, it was not.</p> <p>I was also confronted by a muslim inmate who stated that he was asked if I attended Jumah this to is a violation of my Constitutional Right ms Dippel put my live at risk and when has the D.o.c began to use other inmates to check on the location of other inmates</p>			
9. Response: (This Section for Staff Response Only)			
<p>Respectfully, I ask that you check this out and that Deron Glen do the investigation please I also request if what I have stated is true that differance Be given to any charges leveled against by your staff because they all know I am suing some staff members</p> <p>Please Remove this Restriction and ask the instructors to stop discriminating against me because of my exercise of my Constitutional Rights by not allowing me to earn the bonus</p>			
To DC-14 CAR only <input type="checkbox"/> CC. Judge CONNER		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
Print Sign



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

March 17, 2004

Gerald J. Pappert
Attorney General

15th Floor, Strawberry Sq.
Harrisburg, PA 17120
(717) 783-1471
FAX: (717) 772-4526

William Branch, CF-3756
SCI-Waymart
P.O. Box 256
Waymart, PA 18472

Re: Branch v Russian, et al.
USDC-MD No. 00-1728

Dear Mr. Branch:

I received your letter requesting that I supply you with answers to interrogatories that you sent to the Department of Corrections if I do not wish to meet with you.

I regret that I am unable to supply you with the answers that you have referred to in your letter because you have not identified the interrogatories. I would appreciate it if you would send me the interrogatories that you wish the defendants to answer rather than sending them to someone at the Department of Corrections. I will then promptly provide you with answers.

I also regret that I am unable to meet with you. The institution in which you are confined is located a great distance from my office and my heavy workload will not permit me to travel there to meet with you concerning discovery.

If you require additional time to get your questions to me, I will join in your request to the Court for more time.

Very truly yours,

A handwritten signature in cursive script, reading "Gwendolyn T. Mosley".
Gwendolyn T. Mosley
Senior Deputy Attorney General

GTM/llm

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; NO Insurance Coverage Provided)

DC-138A
Exhibit D-2
CASH SLIP

Branch W of 3756 M2
Postage \$ *83*
Certified Fee *230*
Return Receipt Fee *175*
Insurance (Required) *NA*
Registered Delivery Fee *4.88*
Signature *[Signature]*
Total Postage & Fees *\$4.88*



Sent to *S.D.A.G. MS Mosley esg.*
Street, Apt. No., or PO Box No. *15th Floor Strawberry Sq.*
City, State, Zip+4 *Harrisburg Pa. 17120*

3. ITEMS TO BE CHARGED TO MY ACCOUNT

Please take Postage for mail confirmation
certification of mailing receipt.
To S.D.A.G. MS Mosley esg Strawberry Sq. 15 FL
Harrisburg Pa. 17120 Discovery/interrogatories
0304-7440-0001-5529-9140

APPROVED REQUEST NO. 9
DATE *3-9-4* # call 1-800-222-1811
OFFICER *[Signature]*
TIME *1352*
UNIT *M-2*

4. INMATE'S SIGNATURE *[Signature]* 5. OFFICIAL APPROVAL
6. BUSINESS OFFICE'S SPACE
CHARGE ENTERED *4.40* DATE *MAR 10 2004* BOOKKEEPER

SCI WAYMART PRINTING SCHOOL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

CASH SLIP

SITTING INMATE

INSTITUTIONAL NUMBER *50* LOCATION *M-2* DATE *3-18-04*

VING INMATE

INSTITUTIONAL NUMBER LOCATION DATE

TO BE CHARGED TO MY ACCOUNT

Please take Postage for mail to
Ms Mosley S.D.A.G. Strawberry Sq 15 FL
Harrisburg Pa 17120
Certified mail # 7002-1000-0005-3999-2704
Return Receipt

APPROVED REQUEST NO. 9
DATE *3/28/04*
OFFICER *[Signature]*
TIME *2030*
UNIT *M-2*

4. INMATE'S SIGNATURE *[Signature]* 5. OFFICIAL APPROVAL

6. BUSINESS OFFICE'S SPACE

CHARGE ENTERED *4.88* DATE *MAR 10 2004* BOOKKEEPER

SCI WAYMART PRINTING SCHOOL

Exhibit D-9

March 9, 2004

WILLIAM BRANCH CV-3736

P.O. BOX 236
Wayneset Pa. 18472

ATTN: S.D.A.G. Mr. MOSLEY Esq.
Strawberry Sq. 15 fl.
harrisburg Pa. 17120

MAIWE PLEASE FIND INCLOSED A TRUE COPY OF A REQUEST FOR INTERROGATORIES
PER JUDGE CONNER'S ORDER DATED 2/19/04 to COMPLETE DISCOVERY BY THE
3/19/04.

IF YOU NEED TO CONTACT ME I AM MORE THAN WILLING TO ACCOMMODATE
YOU IN ANY WAY I CAN, I HAVE WRITTEN YOU BEFORE (LETTER DATED 3/1/04 A
TRUE COPY SENT TO JUDGE CONNER)

RESPECTFULLY

WILLIAM BRANCH

RE: Branch Vs. Russian
civil action No: 1-00-1728

ATTN: Ms Mosley SDAG
STRAWBERRY Sq 15 FL
HARRISBURG Pa 17120

madame per Rules of Civil ~~PROC~~ Procedure 26,
56(e) answers to interrogatories etc, etc....

I would appreciate you suppling me with answers
to my interrogatories that I have supplied the D.O.C
with if you do not want to meet with me I will
forward a copy to you. as I am suppose to
consult with you about discovery.

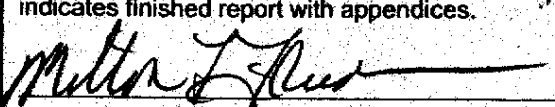
Please Respond as soon as possible as the court
has set a dead line.

I also want to inform you that your Defendant
have not Responded to my Grievance's on C/O GOWAT
and MR friedman and my Grievance's to change the
DOC Policy on hair cut exemptions, there by denying
me access to court and my Request to attend
LAW library are not being processed by the unit
mangement team, MR freed man a defendant is head
of and he made me cut my Religious hair a issue now
being adjudicated this is the ~~see~~ Second time please
speak to you clients! I also wish to speak to you aka
Supplemental Pleading, this will save us a lot of time
if you will agree to allow supplemental pleading now, because
I will file a motion for injunction to stay proceedings
pending appeal which I believe will be granted.

Respectfully

William Branch CF3756

FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		295183	
Rev. 6-84		INFORMAL RESOLUTION		DEPARTMENT OF CORRECTIONS			
<input type="checkbox"/> MISCONDUCT REPORT		<input type="checkbox"/> OTHER					
DC Number	Name	Institution	Incident Time 24 Hr. Base	Incident Date	Date of Report		
CF 3756	William R. Branch	SCI-Waymart	1250	3-19-04	3-22-04		
Quarters	Place of Incident						
	Garment Shop						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	BC Number	Name	I	W
MISCONDUCT CHARGE OR OTHER ACTION							
# 42 - LYING TO AN EMPLOYEE #49 - FAILURE TO REPORT OR UNEXCUSED Absence from work School or mandatory Program							
STAFF MEMBER'S VERSION							
On Friday March 19, 2004 Inmate Branch # CF 3756 specifically told me that he was going to Junch in the Afternoon. When he did not report to work in the Afternoon, Foreman Gambini called his block officer and the officer reported Branch was sleeping. Monday morning March 22, 2004 Inmate Branch admitted to sleeping and not going to Junch.							
IMMEDIATE ACTION TAKEN AND REASON							
PRE-HEARING CONFINEMENT							
<input type="checkbox"/> YES	IF YES						
<input type="checkbox"/> NO	TIME	DATE					
			<input type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input type="checkbox"/> INMATE'S VERSION				
REPORTING STAFF MEMBER SIGNATURE AND TITLE			ACTION REVIEWED AND APPROVED BY SIGNATURE AND TITLE			DATE AND TIME INMATE GIVEN COPY	
A.M. Heppel - Foreman I			Cap K. [Signature]			DATE	TIME 24 HOUR BASE
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER			Misconduct Category			Signature of Person Serving Notice	
DATE TIME			<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2				
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

DC-141 Rev. 6-84		Part 2B		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
DISCIPLINARY HEARING REPORT							
DC Number CF3756	Name William R. Branch	Facility WAM	Hearing Date 3/23/04	Hearing Time 1240	No. from Part 1 295183		
INMATE PLEA		<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		<input type="checkbox"/> No Plea <input type="checkbox"/> Other		Verdict	
						<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
CHARGES Class I B⁴ Lying to AN Employee #49 Failure to work to report or unexcused absence from work, school or mandatory program.							
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED							
<p style="font-size: 24px;">7 days cell restriction</p> <p style="font-size: 24px;">3/23/04 through 3/29/04</p>							
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO		The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.				SEE APPENDICES <input type="checkbox"/>	
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) MR LONG MR FRIEDMAN				Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.  SIGNATURE OF HEARING EXAMINER/COORDINATOR			